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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,016	03/23/2001	Betsy P. Colwell	02200-1	9104
7590		02/16/2006	EXAMINER	
Michele J. Young		VALENTI, ANDREA M		
Salter & Michaelson		ART UNIT		
321 South Main Street		PAPER NUMBER		
Providence, RI 02903		3643		

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/816 016

EXAMINER
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ART UNIT	PAPER
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02142006

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**Commissioner for Patents**

See attached Requirement for Information.

*Andrea M. Valenti*

Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

### **Requirement for Information**

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

The requirement for information is made regarding a citation of a prior art document, the dates initially published and an explanation of technical material in a publication.

The IDS filed 18 June 2001 included prior art citation "Songbird Select". No date of publication was provided for this citation. Examiner requests the following information: what date did this become available to the public; is this made by the same inventor and owned by the same assignee as identified in the pending application; how does the "Songbird Select" seed holder attach to the housing, how does the round seed tray (item #050) attach to the base (i.e. what type of fasteners)?

The IDS filed 18 June 2001 included citation to a Duncraft winter catalog. Are all of the feeders in the catalog with the embodiment that includes a seed holder and housing (e.g. Sunflower Haven, Triple Haven Deluxe, Selective feeder, etc) made by the same inventor and owned by the same assignee as identified in the pending application? How do the seed holders and the cylindrical housing of these Duncraft

items couple together? Does applicant know more precisely then "winter and holiday 1999" when this became available to the public?

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of **2 months**. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

14 February 2006